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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/632,356	08/01/2003	Pavel Kouznetsov	MSFT-2185/302760.2	3970
23377 7590 02/27/2007 WOODCOCK WASHBURN LLP CIRA CENTRE, 12TH FLOOR 2929 ARCH STREET PHILADELPHIA, PA 19104-2891			EXAMINER NALVEN, ANDREW L	
			ART UNIT	PAPER NUMBER
			2134	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	02/27/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No.	Applicant(s)	
	10/632,356	KOUZNETSOV ET AL.	
	Examiner	Art Unit	
	Andrew L. Nalven	2134	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 August 2003.
- 2a) ☐ This action is FINAL.
- 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
 - 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 August 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some * c) ☐ None of:
 - 1. ☐ Certified copies of the priority documents have been received.
 - 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.


KAMBIZ ZAND
PRIMARY EXAMINER

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>8/1/03</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-24 are pending.

Claim Objections

2. Claim 3 is objected to because of the following informalities: the limitation "protecting (KD(copy)) to a rights management (RM) server" appears to be a typographical error. Examiner has interpreted the limitation to read "protecting (KD(copy)) by a rights management (RM) server" Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1-14 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The cited claims are unclear and indefinite because claims 1 and 13 provide the limitation "whereby the rights data *can be* discovered." It is unclear whether this step is intended to be part of the claimed invention.
4. Further, with regard to claims 10 and 22, the limitation "substantially all" is a relative term which renders the claim indefinite. The term is not defined by the claim,

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the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-2, 6-14, and 18-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kobata et al US PGPub 2002/0077985 in view of Stefik et al US Patent No. 6,714,921.
6. With regards to claims 1 and 13, Kobata teaches receiving the document into the folder (Kobata, paragraphs 0092, 0225-0226), receiving a request for the copy of the document (Kobata, paragraphs 0091-0092), defining rights data for the copy of the document (Kobata, paragraph 0090), publishing the copy of the document and the defined rights data thereof to result in a package with the rights data and the copy of the document encrypted according to a content key (KD) to result in a KD(copy) (Kobata, paragraphs 0092, 0097, 0099, 0225), and delivering the formed package to the requester (Kobata, paragraph 0096) whereby the rights data can be discovered upon the requester attempting to render the package and such discovery triggers a request

for a corresponding license based on such rights data (Kobata, paragraph 0100), the license including KD therein in a form available to the requester to decrypt KD(copy) if the requester satisfies the rights data (Kobata, paragraph 0100). Kobata as modified fails to teach defining rights data based on rights information of the folder. However, Stefik teaches defining rights data based on rights information of the folder (Stefik, column 10 line 64 – column 11 line 9). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to utilize Stefik's folder rights method with Kobata's document protection system because it offers the advantage of providing a method of restricting usage to several files by providing usage restrictions to a single folder (Stefik, column 10 line 64 – column 11 line 9).

7. With regards to claims 2 and 14, Kobata as modified teaches obtaining the license on behalf of the requester and delivering the obtained license to the requester with the package (Kobata, paragraph 0096).

8. With regards to claims 6, 8, 18, and 20, Kobata teaches the folder has access controls being defined for each individual and/or for each group of individuals that may access the folder, and wherein defining the rights data comprises mapping the access controls for the folder into the rights data for the copy of the document (Stefik, column 10 line 64 – column 11 line 9).

9. With regards to claims 7, 9, 19, and 21, Kobata teaches mapping the access controls for the folder into the rights data for the requester and also for all other individuals or groups of individuals specified in the access controls (Stefik, column 10 line 64 – column 11 line 9), whereby the copy of the document with the rights data

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attached thereto can be distributed and redistributed to such other individuals and each such other individual can employ the rights data to obtain a license to render the document (Kobata, paragraph 0103).

10. With regards to claims 10 and 22-23, Kobata teaches copying substantially all of the rights template into the rights data for the copy of the document (Stefik, column 10 line 64 – column 11 line 9).

11. With regards to claims 12 and 24, Kobata teaches receiving the document into the folder in a non-RM protected form whereby RM protection is applied to the copy of the document when the copy of the document is delivered to the requester (Kobata, paragraphs 0153-0154, Figure 9 Items 915).

12. Claims 3-5 and 15-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kobata et al US PGPub 2002/0077985 and Stefik et al US Patent No. 6,714,921, as applied to claim 1 above, and in further view of Xiao US Patent No. 6,571,337.

13. With regards to claims 3 and 15, Kobata as modified teaches generating the content key (KD) (Kobata, paragraphs 0092, 0097, 0099, 0225), encrypting the copy of the document with KD to form KD(copy) (Kobata, paragraphs 0092, 0097, 0099, 0225), but fails to teach protecting KD(copy) to a rights management server by encrypting KD with a public key of the RM server to result in RM(KD), whereby only the RM server with a corresponding private key can apply the same to reveal KD. However, Xiao teaches protecting KD(copy) to a rights management server by encrypting KD with a public key of the RM server to result in RM(KD) (Xiao, column 4 lines 50-67), whereby only the RM

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server with a corresponding private key can apply the same to reveal KD (Xiao, column 4 lines 50-67, only clearance center can decrypt). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to utilize Xiao's method of encrypting content keys because it offers the advantage of preventing unauthorized access to the content key and the data itself (Xiao, column 4 lines 57-67).

14. With regards to claims 4 and 16, Kobata as modified teaches the defined rights data signed by one of the RM server or the document store (Xiao, column 4 line 63 – column 5 line 6).

15. With regards to claims 5 and 17, Kobata as modified teaches concatenating the rights data with PU-RM(KD) therein to KD(copy) to form the package (Xiao, column 5 lines 45-57, column 1 line 62 – column 2 line 28).

Conclusion

16. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

17. Lao et al US Patent No. 7,085,741 discloses a method and apparatus for managing digital content usage rights.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew L. Nalven whose telephone number is 571 272

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3839. The examiner can normally be reached on Monday - Thursday 8-6, Alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kambiz Zand can be reached on 571 272 3811. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Andrew Nalven

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KAMBIZ ZAND
PRIMARY EXAMINER